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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,440	03/05/1999	BYUNG-SEOK RYU	678-231-P863	1816

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EXAMINER

KNEPPER, DAVID D

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/263,440

Applicant(s)

RYU, BYUNG-SEOK

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Applicant's correspondence filed on 25 March 2002 has been received and considered.  
Claims 1-10 are pending.

### Claims

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are so broadly worded that the sequence for receiving and processing (recognizing) the voice command is not clear. According to the specification, this should be limited to the purpose of recognizing speech as a command which will initiate synthesis of a short message received by a mobile phone.

The wording of these claims could be interpreted as controlling the generation of a short message which corresponds to the command and/or generating a predefined short message only after a particular command is recognized. Both are implausible because the user would be sending such a message to himself. Therefore, the claims are interpreted as recognizing a speech command to initiate synthesis of a short message.

It is noted that the claims are sufficiently broad that they are not limited to a mobile phone but cover all known wireless systems for the transmission of messages.

It is also noted that the specification fails to enable actual recognition of who is speaking (a particular person's voice). Similarly, the specification fails to provide particular details for

recognition. Therefore, it is presumed that the language is limited to recognition of spoken commands for control purposes that are well known.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 5-<sup>10</sup>~~8~~ are rejected under 35 U.S.C. § 103 as being unpatentable over Schwelb (5,950,123) in view of Peterson (6,178,398).

Claims 1 and 8: It is noted that Schwelb does not explicitly teach the recognition of a particular "predetermine voice command". However, Schwelb teaches that it is notoriously well known to send short messages over a cellular telephone network and that these messages can be spoken audibly in order to aid visually impaired users (col. 6, lines 62-63). Peterson teaches details for the recognition of speech to include the ability to recognize a wide variety of meaningful phrases (see title and abstract).

It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to combine Schwelb and Peterson because Peterson explicitly teaches in column 8, lines 25-28 that his invention may be implemented in an

electrical communication unit such as a telephone, a computer, a personal digital assistant, a cellular phone, a mobile radio, a car navigation system a pager, or the like.

Thus, one of ordinary skill in the art would realize that Peterson not only suggests controlling a system such a Schwelb's with speech but would also add a greater depth of control than envisioned by Schwelb by recognizing particular meanings of words and phrases.

Claim 5: It is noted that Schwelb does not explicitly teach "voice dialing". However, Peterson's ability to recognize the meaning of words would easily encompass numerals used for dialing as well as other commands. Voice dialing is especially obvious in view of Peterson's control of a telephone... cellular phone... pager (col. 8, lines 26-28).

Storage of speech recognition information upon which to perform comparisons and control based on speech input is taught by Peterson's speech recognizer 105 and application database 106, figure 1.

Claims 6, 9 and 10: Generating an "alarm" is inherent in sending text using standard paging handshaking. See, for example, Schwelb in col. 3, lines 44-64.

After confirmation (col. 3, lines 1-10), synthesizing the text message is taught in col. 3, lines 11-22 (i.e. – his text-to-voice translation function to synthesize an audible announcement from the contents of a received textual data message).

Claim 7: Handshaking to determine whether or not a message is transmitted or received is inherent in a form of pager. See, for example, Schwelb, column 3, lines 1-10 where he indicates that the message will be stored until delivery can be confirmed (as long as delivery fails, the message is stored). Therefore, the prior art teaches that it is critical to be able to keep

track of whether or not a message is transmitted to the intended recipient, as one of ordinary skill in the art of messaging would expect.

6. Claims 2 and 3 are rejected under 35 U.S.C. § 103 as being unpatentable over Schwelb (5,950,123) in view of Peterson (6,178,398) as applied to claims 1 and 5-8 above, further in view of Klatt (Review of text-to-speech conversion for English).

Applicant is referred to paper #4, page 3 which explains the details found in Klatt showing the state of the art in 1987 for text-to-speech synthesis.

7. Claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwelb (5,950,123) in view of Peterson (6,178,398) and Klatt (Review of text-to-speech conversion for English) as applied to claim 2 above, further in view of Marui (4,959,850).

It is noted that Schwelb, Klatt and Peterson do not teach the use of “an echo canceller for eliminating reflective noises.” Any one of pedestrian skill in the art knows that an echo canceller removes reflective noises (echoes). The use of such a device is notoriously well known in any telephone environment. See, for example, the echo canceller 415 taught by Marui in figure 7. It would have been obvious to use an echo canceller to remove unwanted noise as taught by Marui. The combination with Schwelb and Peterson is considered obvious because they are in the same field which is the use of wireless telephone communications. Klatt is relied upon for the details of speech synthesis as noted above and is combinable to as previously noted.

**REMARKS**

8. The applicant offered no explanation for patentability over the art of record. The changes to the claims were addressed by including prior art which was previously cited of record (Peterson).

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

TC2600 Fax Center  
(703) 872-9314

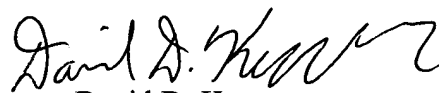
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper  
Primary Examiner  
Art Unit 2654  
April 29, 2002